



Ninety-Ninth Legislature - First Session - 2005
Introducer's Statement of Intent
LB 752

Chairperson: Patrick J. Bourne
Committee: Judiciary
Date of Hearing: March 10, 2005

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 752 lists medical findings demonstrating that an unborn child who has developed at least twenty weeks past fertilization has the physical structures necessary to feel pain.

Currently, under 28-327, a woman must be verbally informed of certain information via telephone or in person by a physician or qualified agent. Added to the verbal requirements already in statute would be information on the ability of an unborn child with a probable gestation age of twenty weeks or older to feel pain; that an abortion will cause the unborn child pain; that a woman can request the use of anesthesia or other pain-reducing drug or drugs administered directly to the unborn child at least 20 weeks old or older before an abortion is performed; and that the use of such drug or drugs would be to reduce or eliminate the capacity of the unborn child to experience pain during the abortion procedure.

LB 752 also adds requirements to 28-327.01, which required the Department of Health to develop written information to be given to any woman considering an abortion if she requests to read such information. The bill adds additional requirements to include information about fetal pain to the printed information given to women at least twenty-four hours before an abortion. Women will be told that unborn children at least twenty weeks past fertilization can feel pain; that a woman can choose to have anesthesia or other pain-reducing drug or drugs administered directly to the unborn child if she so desires; and that the purpose of administering such drugs would be to reduce or eliminate the unborn child's pain during the abortion procedure.

Abortion providers may tell patients their best medical judgment on the risks of administering such drug or drugs. If the abortion provider is not qualified to administer such drugs, provisions can be made so that the abortion can take place and the unborn child receives anesthesia or other pain-reducing drug or drugs. Abortion providers are guaranteed the right to offer their own evaluations on the capacity of an unborn child to experience pain and the advisability of administering pain-reducing drugs to the unborn child.

Principal Introducer:

Senator Mike Foley